

Report Date: August 15, 2012

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

AUG 15 2012

Eastern District of Washington

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Augustus Morris Johnley

Case Number: 2:00CR02001-001

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea

Date of Original Sentence: 9/15/2000

Type of Supervision: Supervised Release

Original Offense: Attempted Aggravated Sexual
Abuse of a Child, 18 U.S.C. § 2241; Abusive Sexual
Contact with a Minor, 18 U.S.C. § 2243(a) &
2244(a)(3)

Date Supervision Commenced: 6/28/2012

Original Sentence: Prison - 121 Months; TSR - 60
Months

Date Supervision Expires: 8/27/2015

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 16 You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.
- 17 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 18 You shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from alcohol.
- 19 You shall reside in a residential reentry center (RRC) for a period of up to 180 days. Your participation in the programs offered by the RRC are limited to employment, education, treatment, housing, and religious services at the direction of your supervising officer. You shall abide by the rules and requirements of the facility.

Prob 12B

Re: Johnley, Augustus Morris**August 15, 2012****Page 2****CAUSE**

During the defendant's supervised release violation hearing, conducted on May 26, 2011, the defendant was found in violation of his supervised release by possessing marijuana and drug paraphernalia. The defendant admitted the drugs were his. The added conditions would assist in determining if the defendant has returned to using controlled substances and will assist with any needed chemical dependency treatment. The Court also ordered the defendant to abstain from the use of alcohol but testing was not included.

On June 18, 2012, the Court signed a modification to the defendant's conditions of supervised release which added the condition to reside in the Spokane RRC for up to 90 days. The defendant entered the Spokane RRC but was removed when a bench warrant out of Benton County was located. The defendant reported to Benton County and cleared the warrant. At this time it is being respectfully requested the defendant have the RRC condition reimposed but for a period up to 180 days. This will assist in locating housing for the defendant.

It would be respectfully requested the additional conditions of supervised release be imposed to address any issues the defendant currently has.

I declare under penalty of perjury that the foregoing is true and correct.

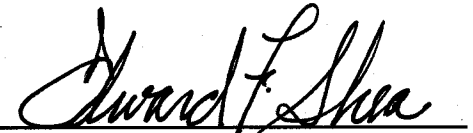
Executed on: 08/15/2012

s/David L. McCary

David L. McCary
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other


Signature of Judicial Officer


Date

United States District Court**Eastern District of Washington****Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

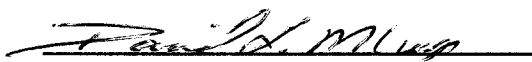
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

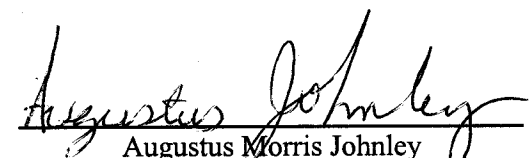
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Witness:


David L. McCary
U.S. Probation Officer

Signed:


Augustus Morris Johnley
Probationer or Supervised Releasee

8/15/12
Date